

REFERENCE TITLE: **mine inspector**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2733

Introduced by
Representatives Barnes: Mason, McComish

AN ACT

AMENDING SECTIONS 27-126, 27-127, 27-301, 27-312, 27-360, 27-370, 27-411 AND
27-423, ARIZONA REVISED STATUTES; RELATING TO MINES AND THE STATE MINE
INSPECTOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 27-126, Arizona Revised Statutes, is amended to
3 read:

4 27-126. Annual report to governor

5 A. The mine inspector on March 31 each year shall make and file with
6 the governor a statistical summary and report of the work during the year
7 ending December 31. The report shall contain a statement showing the number
8 of persons employed ~~in each mine, and, separately, the number of persons~~
9 ~~employed~~ above ground and under ground, the number and nature of fatal and
10 serious accidents occurring in each mine, the number of inspections made,
11 complaints filed, inquests attended, mines or mine workings ordered to be
12 vacated, violations found, and other information deemed important, together
13 with necessary or desirable recommendations.

14 B. Copies of the report shall be published and distributed at the
15 expense of the state.

16 Sec. 2. Section 27-127, Arizona Revised Statutes, is amended to read:

17 27-127. Restrictions on divulging information by inspectors and
18 employees; dismissal for violation

19 A. No inspector, deputy or employee shall:

20 1. Make a report with respect to a mining property or prospect, except
21 an official report to his superior officer or to the governor. ~~, nor shall he~~

22 2. Make public or reveal to any other person knowledge or information
23 obtained ~~by him~~ in the exercise of ~~his~~ official duties concerning ore, ore
24 bodies or values, of any mine or part thereof.

25 B. SUBSECTION A DOES NOT PREVENT OR PROHIBIT THE INSPECTOR FROM
26 SUBMITTING OR TRANSMITTING INFORMATION OR DATA TO A REGULATORY GOVERNMENTAL
27 AGENCY SOLELY FOR REGULATORY PURPOSES.

28 B. C. An inspector or deputy violating this section shall be
29 dismissed from office.

30 Sec. 3. Section 27-301, Arizona Revised Statutes, is amended to read:

31 27-301. Definitions

32 In this chapter, unless the context otherwise requires:

33 1. "Abandoned mine" means a mine where mining operations have been
34 permanently terminated or the operator has complied with section 27-303,
35 subsection C or for which no owner, operator or other claimant of record can
36 be located for a deserted mine site.

37 2. "Active mine" means a mining operation conducting mining activities
38 on any lands.

39 3. "Claim" means the portion of mining ground held under federal and
40 local law by one claimant or association, by virtue of one location and
41 record. It includes mining claims and sites deemed abandoned under the
42 federal land policy and management act of 1976 (P.L. 94-579; 90 Stat. 2743).

43 4. "Excavations" or "workings" means any or all parts of a mine
44 excavated or being excavated, including shafts, tunnels, drifts, crosscuts,

1 adits, entries, winzes, raises, stopes, open cuts, and all working places,
2 whether abandoned or in use.

3 5. "Inactive mine" means a mining operation not conducting mining for
4 more than six months or where mining operations have been temporarily
5 suspended or the operator has complied with section 27-303, subsection C.

6 6. "Inspector" means the state mine inspector and except in article 7
7 of this chapter ~~his~~ THE INSPECTOR'S deputies.

8 7. "Mill" means any ore mill, concentrator, sampling works, crushing,
9 grinding or screening plant, appurtenant buildings, shops or storage or
10 loading facility used at and in connection with any mine.

11 8. "Mine" means all lands containing excavations, underground
12 passageways, shafts, tunnels and workings, structures, facilities, equipment,
13 machines or other property including impoundments, retention dams, tailings
14 and waste dumps, on the surface or underground, used in, to be used in or
15 resulting from the work of extracting minerals or other materials, excluding
16 hydrocarbons. Mine includes that portion of an operation which mixes rock,
17 sand, gravel or similar materials with water and cement or with asphalt,
18 provided that the operation is either physically connected to the mine or is
19 so interdependent with the mine as to form one integral enterprise.

20 9. "Miner" means a person who works in a mine.

21 10. "Mining" means those activities conducted to develop or extract
22 materials from a mine including on-site transportation, concentrating,
23 milling, leaching, smelting or other processing of ores or other materials.

24 11. "Open pit" means any mine operated on the surface of the earth,
25 including quarries AND BORROW PITS, but excluding sand and gravel operations.

26 12. "Operation" means a mine, mill, smelter, sand and gravel plant or
27 pyrometallurgical or hydrometallurgical operation.

28 13. "Operator" means a natural person, corporation, partnership,
29 association, agent, governmental entity or other public or private
30 organization or representative owning, controlling or managing a mine.

31 14. "Sand and gravel operation" means any operation the principal
32 product of which is sand, gravel, pumice or any other common variety of
33 material.

34 15. "Smelter" means any establishment used for the purpose of
35 pyrometallurgical operations and appurtenant buildings, shops, facilities for
36 the production of steam or electrical power, or equipment used in conjunction
37 with any of the above.

38 16. "Surface mining" means mining conducted on the surface of the land
39 including open pit, strip, dredging, quarrying, leaching, surface evaporation
40 operations, reworking abandoned tailings and dumps and related activities.

41 17. "Underground mine" means a mine in which minerals or other material
42 is extracted from beneath the surface by means of shafts, tunnels or other
43 openings.

1 Sec. 4. Section 27-312, Arizona Revised Statutes, is amended to read:
2 **27-312. Safety equipment**

3 A. All persons working in operations shall wear approved ~~type~~ head,
4 foot and eye protection when in the work area and such other safety equipment
5 as is designated by the operator.

6 B. Equipment placed in an operation for the purpose of safety shall
7 not be removed by anyone nor utilized except for the purpose intended.

8 Sec. 5. Section 27-360, Arizona Revised Statutes, is amended to read:
9 **27-360. Precautions against flooding**

10 A. When advancing a drift, adit, level or incline toward a mine
11 working that appears to be filled with water, a bore hole shall be kept at
12 least twenty feet in advance of the breast of the drive and also, if
13 necessary, in directions laterally from the course of the drive. The working
14 place shall not exceed ten feet in width and further measures shall be taken
15 which are deemed necessary by the inspector to obviate the danger of a sudden
16 breaking through of water. No raise shall be allowed to approach within ten
17 feet of a portion of a winze or a stope in which there is a dangerous
18 accumulation of water, unless the winze or stope is first unwatered by
19 bailing or pumping, or by means of a bore from the raise. When in the
20 opinion of the inspector there is danger of a sudden inrush of water,
21 additional raises, drifts or other workings shall be constructed as necessary
22 to ~~insure~~ ENSURE escape of persons from the lower workings. Places for the
23 storage of water in mines shall be constructed to prevent leakage as far as
24 possible and ~~insure~~ ENSURE the safety of the persons working below them.

25 B. It is unlawful for an operator to impound water or keep water
26 impounded within a mine in which persons are working below the water so
27 impounded in a manner which endangers the safety of the persons unless the
28 water is impounded by a dam or wall approved by the inspector.

29 **C. PRECAUTIONS SHALL BE TAKEN TO PREVENT STORM OR UNPLANNED WATER
30 SPILLS FROM FLOWING INTO A MINE OPENING.**

31 Sec. 6. Section 27-370, Arizona Revised Statutes, is amended to read:
32 **27-370. Stench warning**

33 A. The operator shall maintain a suitable and sufficient stench
34 warning that can be introduced into the compressed airlines in case of an
35 emergency and reach all employees who might be working underground.

36 B. When the odor from a stench warning is detected by employees or
37 other persons, they shall immediately leave their working place or other
38 areas underground, give warning to other employees or persons in their
39 vicinity, and follow the operator's evacuation procedure.

40 **C. IF ALL OR PART OF A MINE IS WITHOUT COMPRESSED AIR, OTHER WARNING
41 DEVICES MUST BE INSTALLED AND MAINTAINED ON THE APPROVAL OF THE MINE
42 INSPECTOR.**

43 Sec. 7. Section 27-411, Arizona Revised Statutes, is amended to read:
44 **27-411. Definitions**

45 In this article, unless the context otherwise requires:

1 1. "Dust prevention practices" includes ventilation, suction or
2 exhaust methods of removing dust, wet methods for settling dust, and the use
3 of respirators when the condition or exposure is temporary or intermittent,
4 and other means of removing or settling dust from mine air as approved by the
5 state mine inspector.

6 2. A "hazardous dust or gas condition" shall exist when the breathing
7 zone of an employee while engaged in the performance of ~~his~~ THE EMPLOYEE'S
8 work contains higher concentration limits of toxic dust and fumes, mineral
9 dusts, and gases than specified by the state mine inspector in the rules and
10 regulations. Dust counts shall be determined in accordance with techniques
11 prescribed by the inspector and shall be made when necessary.

12 3. "Respirators" means only those respirators approved ~~by the United~~
13 ~~States bureau of mines or which may be approved hereafter by the United~~
14 ~~States bureau of mines and~~ by the state mine inspector.

15 4. "Breathing zone", in the case of persons wearing respirators, is
16 the air space created after the passage of air through the protective device.

17 Sec. 8. Section 27-423, Arizona Revised Statutes, is amended to read:
18 27-423. Tracks, roadbeds and roadways

19 A. Tracks, roadbeds, rails, joints, switches and frogs on all
20 ~~haulageways~~ HAULAGE WAYS shall be constructed, installed and maintained in a
21 manner consistent with the speed and type of haulage operations being
22 conducted.

23 B. Truck haulage roadways, including berms where necessary, shall be
24 constructed and maintained with due regard for safety, in a manner consistent
25 with the speed and type of haulage operations being conducted and the type of
26 equipment being operated.